

REMARKS/ARGUMENTS

Claims 1-34 are pending in the above-referenced application. Claims 1 and 16 are currently amended.

5 Claims 1-3 and 5-34 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by Banga et al "Optimistic Deltas for WWW Latency Reduction," in Proc. 1997 SENIX Technical Conf., pp. 289-303, Anaheim, CA January, 1997. Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Banga in view of Sutcliffe (U.S. Pat. No. 6,253,216). The Applicant has previously traversed these
10 rejections.

 The Applicant's undersigned representative and the Examiner discussed the pending claims in a telephone interview on May 19, 2004. The interview included discussion of the differences between the cited art (Banga) and the current claims, possible amendments to claim 1, possible amendments to claim 16, and the rejection of
15 claims 26-31 and 3-34 under the same rationales set forth for claims 7, 10, 11, and 13.

 Regarding Banga, the discussion focused on the definitions of "client side" and "server side" and the interpretation of these terms relative to the proxy-caching server of Banga. Examiner agreed that the proxy-caching server of Banga was more properly considered part of the "server side" rather than the "client side." The Applicant's
20 representative pointed out specific support within Banga for this interpretation. It is the Applicant's position that this clarification is significant in understanding that Banga does not teach all the limitations of the current claims and that, therefore, the claims as amended are allowable over the cited art. Specifically, those aspects of Banga that were previously cited by the Examiner as teaching limitations of the claims, do not do so when

the “server side” and “client side” distinction is understood. The Examiner is therefore requested to either remove the finality of the most recent office action and cite a new basis for the rejections or allow the current claims.

Further, in the Telephone interview of May 19, 2004, the Examiner expressed the
5 view that language in the preamble Claim 1 (i.e., “without having to contact a server side of the configuration system”) would not be read as a limitation of the claim as a whole. The Applicant traverses this view. This language is written in a form that is clearly meant to be interpreted as a limitation. For example, the words “without having” indicate that the following text is a limitation and not surplusage. By clearly indicating a
10 limitation, the language expressly demarks a boundary of the claim that should be fully considered in determining the claim’s breadth. Further, the action recited in the preamble (“updating a configuration page”) is specifically referred to in an element of the claim (Claim 1, lines 8-9).

However, to address the Examiner’s concern, the Applicant has amended Claim 1
15 to repeat the limitation “without having to contact a server side of the configuration system” expressly in a claim element. It is the Applicant’s position that this amendment adds text that is redundant and, therefore, does not change the scope of Claim 1.

The Applicant has compared the breadth of Claim 1 as amended with the art cited by the Examiner, and sees no basis for amending Claim 1 further. The Examiner is
20 therefore requested to either remove the finality of the most recent office action and cite a new basis for the rejection of Claim 1 or allow the current claims.

Still further, in the Telephone interview of May 19, 2004 the Examiner and the Applicant’s undersigned representative discussed the possibility of amending Claim 16.

The Examiner suggested that clarification concerning the relationship between the “generated page” and the “delta page information” would be helpful in his analysis of the claim’s allowability. In response, the Applicant has amended Claim 16. Support for the added language can be found at least on page 5 line 19 and page 7 lines 14-15 of the application as filed. The applicant believes that the amendment places the claim in condition for allowance.

Further still, in the Telephone interview of May 19, 2004 the Examiner and the Applicant’s undersigned representative discussed the rejection of claims 26-31 and 3-34 under the same rationales set forth for claims 7, 10, 11, and 13. The Applicant pointed out significant differences between claims 26-31 and 3-34, and 7, 10, 11, and 13 and that the Applicant has previously requested (e.g., in the response of April 20, 2004) that the Examiner more specifically point out aspects of the cited art that he believes teach the limitations of these claims. The Examiner stated that he would again review the allowability of these claims. The Applicant looks forward to the Examiner’s response.

CONCLUSION

Based on the above remarks and amendments, Applicant respectfully submits that all pending claims are in condition for allowance. Thus, the claims of the present application are believed to be allowable based on Applicant's above and previous
5 remarks. Therefore, the Applicant submits that the application is in condition for allowance, and respectfully request the issuance of a Notice of Allowability.

If the Examiner has any questions or would like to discuss this case, he is invited to contact the Applicants' undersigned representative at the number given below.

10

Respectfully submitted,

Marc S. Casalaina

Date: May 20, 2004

By: 

15

Steven M. Colby, Ph.D.
Reg. No. 50,250
Carr & Ferrell LLP
2200 Geng Road
Palo Alto, CA 94303
Phone: (650) 812-3400
Fax: (650) 812-3444

20